

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY MUSTAFA LIFE WILLIAMS,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 20-CV-3511
	:	
WARDEN KYLE RUSSELL, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 29th day of October, 2021, upon consideration of Defendants' Motion to Dismiss (Doc. No. 25), and Plaintiff's Response (Doc. No. 46), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss for failure to exhaust administrative remedies is **DENIED**;
2. Defendants' Motion to Dismiss Plaintiff's § 1983 excessive force/failure to protect claims is **GRANTED** as to Defendant Henning but **DENIED** in all other respects.
3. Defendants' Motion to Dismiss Plaintiff's Fourteenth Amendment conditions of confinement claim is **GRANTED** as to Defendant Russell but **DENIED** in all other respects.
4. Defendants' Motion to Dismiss Plaintiff's First Amendment claim is **GRANTED**.
5. Defendants' Motion to Dismiss Plaintiff's Fourteenth Amendment equal protection claim is **GRANTED**.
6. Defendants' Motion to Dismiss Plaintiff's state law claims against Defendants Miller, Russell, McFadden, and Henning is **GRANTED**.
7. Defendants' Motion to Dismiss based on qualified immunity is **DENIED**.
8. Plaintiff is given **thirty (30)** days to file a second amended complaint in the event he can allege additional facts to correct any of the pleading deficiencies identified in the dismissed claims. Any second amended complaint shall identify **ALL** defendants in the caption in addition to identifying them in the body of the amended complaint, shall

state the basis for Plaintiff's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 20-3511. If Plaintiff files a second amended complaint, his second amended complaint must be a complete document that includes **ALL** of the bases for Plaintiff's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will **NOT** be considered part of this case. When drafting his second amended complaint, Plaintiff should be mindful of the Court's reasons for dismissing certain of his claims, as explained in the Court's Memorandum.

It is **FURTHER ORDERED** that Plaintiff's Motions to Compel (Doc. Nos. 36 and 48) are **DENIED** as premature. Plaintiff is not entitled to proceed with discovery until the Court holds a scheduling conference.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.